

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**February 5, 2003**

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Mayor David Dermer  
Vice-Mayor Simon Cruz  
Commissioner Matti Herrera Bower  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

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| PA1 | Cert. of Apprec./Several Individuals for Successfully Attracting Art Basel to Miami Beach.               |
| PA2 | <b>W</b> -Cert. of Apprec./Officer David McLaren, "At Your Service Award."                               |
| PA3 | Proclamation Declaring February as Black History Month.  |
| PA4 | Check Presented to MBPAL from Larry Kaplan of The Great Eskate. (Dermer)                                 |
| PA5 | Presentation/Mayor & Commission, for Lending Support for the Orange Bowl 2002. (Dermer)                  |
| PA6 | Proclamation/Architect, G. M. Fein, Designer of Post WWII Modern Style of Architecture in MB.            |
| PA7 | Presentation to Miami Beach Fire Department for Their Work on the 15 <sup>th</sup> Street Fire. (Dermer) |
| PA8 | <b>New Item:</b> Proclamation/African American Host Committee. (Dermer)                                  |
| PA9 | <b>W-New Item:</b> Cert. of Apprec./Jerry Williams, Retiring after 30 Years w/ the Parking Department.   |
| C2A | BA 62-01/02, Silk Screened & Embroidered Apparel, \$70,000.  |
| C2B | BA 19-02/03, Lease of (14) Harley Davidson Police Motorcycles.   |
| C4A | Ref: Land Use & Development Committee - Parking Requirements for Elderly Housing. (Bower)                |
| C6A | Report: Neighborhoods Committee Meeting of January 10, 2003.   |
| C6B | Report: General Obligation Bond Oversight Committee Meeting of January 13, 2003.                         |
| C6C | Report: Finance & Citywide Projects Committee of January 15, 2003.                                       |
| C6D | Report: Community Affairs Committee Meeting of January 16, 2003.   |
| C7A | Submit Grant Application/Fla. Dept. of Comm. Affairs; Homeless Trust; Metlife & HP Program.              |
| C7B | Issue RFP, Provision of Auditing Resort Taxes & Extend Contracts w/ Beverly Young.                       |
| C7C | Consent Appointment of Donna Shaw as Director of Tourism & Cultural Development.                         |
| C7D | Approve Transfer of Ownership, 117 South Shore Drive.  |
| C7E | Issue Cert. of Consistency, Provide Outreach & Case Mgmt Services to Homeless in MB.                     |
| C7F | Accept \$500 Donation from the Fontainebleau Hilton Towards the CERT Program.                            |
| C7G | Execute Change Order No. 1, Rehabilitation of Sanitary Sewers.   |

- C7H Waive Bidding/Approve Use of the Fortress, Storage of Bass Museum's Collection. **5/7**  
 C7I Approve Lien Settlement for Property at 1440 Alton Road.  
 C7J Execute Interlocal Agmt/Miami-Dade County School Board and All Local Governments.

### **REGULAR AGENDA**

- R2A **11:00 a.m.** BA 02-02/03, ADA Renovations for Miami Beach Convention Center, \$3,358,000.
- R5A **10:15 a.m. 2<sup>nd</sup> Rdg**, Amend Code, Procurement and Contract Procedures.  
 R5B **10:20 a.m. 2<sup>nd</sup> Rdg**, Amend Code, Traffic & Vehicles and Metered Parking.  
 R5C **10:30 a.m. 2<sup>nd</sup> Rdg**, Amendment to RM-PRD Land Development Regulations. **5/7**  
 R5D **2:30 p.m. 2<sup>nd</sup> Rdg**, Campaign Finance Reform Legislation. (Gross/Dermer)  
 R5E **5:01 p.m. 1<sup>st</sup> Rdg**, Comprehensive Plan Amendment - Round #03-2. **5/7**  
 R5F **5:01 p.m. 1<sup>st</sup> Rdg**, Zoning Map Change & Land Development Regulations Amendment. **5/7**  
 R5G **5:15 p.m. 2<sup>nd</sup> Rdg**, Comprehensive Plan Amendments - Round 03-1. **5/7**  
 R5H **11:15 a.m. 1<sup>st</sup> Rdg**, Prohibit Panhandling on Designated Areas within the City. (Steinberg)  
 R5I **1<sup>st</sup> Rdg**, Amend Code, Miscellaneous Offenses and False Claims Ordinance. (Smith)  
 R5J **1<sup>st</sup> Rdg**, Amend Code, Barrier-Free Environment Committee. (Dermer/Gross)  
 R5K **1<sup>st</sup> Rdg**, Abate Sidewalk Café Fees for Businesses North of 63<sup>rd</sup> Street. (Garcia)  
 R6A Verbal Report: Finance & Citywide Projects Committee Meeting of January 29, 2003.
- R7A **10:10 a.m.** Waive Bidding, Pine Tree & La Gorce Traffic Calming Project. **5/7**  
 R7B Execute Amendment, Complete Design for Proposed Improvements - Fire Station No. 4.  
 R7C **4:30 p.m.** Declare Intent to Spend Funds, Washington Ave. Streetscape, Phases 2, 4, & 5.  
 R7D Adopt/Terminate Agmt w/ Jasco, Renovation and Expansion of Fire Station No. 2.  
 R7E **2:00 p.m.** Accept Recomm./Construction Services for a Citywide Wayfinding Signage System.  
 R7F **5:02 p.m.** Select Alternative B-2, Proposed Bay Link Transportation Corridor Project.
- R9A Board and Committee Appointments.  
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
 R9C Disc. Reso re: Creation of Ad Hoc Charter Review & Revision Board. (Dermer)  
 R9D Disc. Ethical Campaign Practices Ordinance. (Dermer)  
 R9E Disc. Code of Ethics from the American League of Lobbyists. (Smith)  
 R9F Disc. Initiate Blue Ribbon Committee to Discuss Campaign Reform in Holistic Manner. (Garcia)  
 R9G Disc. Televisive Special Master Cases on Public Access Channel 20. (Garcia)  
 R9H Disc./Presentation, Action Plan Addressing the Traffic Enforcement Issue. (Smith)  
 R9I **2:35 p.m.** Presentation/Disc., November 2003 Runoff Election.  
 R9J Disc. Rededication of Miami Beach Coast Guard Plaque. (Dermer)  
 R9K **11:30 a.m.** Disc. Continuation of Miami Gay & Lesbian Film Festival on South Beach. (Bower)  
 R9L Disc. Reso re: Supporting State Legislature - "Dignity for All Students Act." (Dermer)  
 R9M **2:15 p.m.** Disc. GMCVB Status Report on Office Space.  
 R9N Disc./Referral, Section in MB that Appears Out of Scale w/ the Rest of the City. (Garcia)

### **R10 - City Attorney Reports**

- R10A **Noon Break**, Executive Session: West Side Partners/East Coastline Dev. vs. CMB.

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### **REPORTS AND INFORMATIONAL ITEMS**

- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report on Fire Station No. 2.  
 D Status Report on Fire Station No. 4.  
 E Report on Federal, State, Miami-Dade County, & All Existing City Contracts for Renewal.

### **REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A Report of Itemized Revenues/Expenditures of RDA for December 2002.  
3A M-D County Commission Action - Amend City Center Historic Convention Village RDA Plan.

Meeting called to order at 9:23:30 a.m.

Mayor Dermer requested a moment of silence in memory of the seven astronauts lost in the space shuttle Columbia.

Pledge of Allegiance led by Chief De Lucca.

Inspirational message give by Reverend Garth Thompson, from Miami Beach Community Church. He read the names of the seven astronauts and said a prayer for them; Michael Anderson, David Brown, Kalpaha Chawla, Laurel Clark, Rick Husband, William McCool and Ilan Ramon.

Supplemental Materials: C7I, R5K, and R7D

#### **PA - Presentations and Awards**

**9:26:34 a.m.**

- PA1 Certificates Of Appreciation To Be Presented To Norman Braman, Bob Goodman, Neisen Kasdin, Nancy Liebman, Craig Robins, Mera Rubell, Martin Z. Margulies, Carlos And Rosa de la Cruz, Marty And Cricket Taplin, Michelle And Jason Rubell, Debra And Dennis Scholl, Javier And Monica Mora, Ruth And Richard Shack, For Successfully Attracting Art Basel To Miami Beach, And Ensuring That The Inaugural Art Basel Miami Beach Exceeded All Expectations.  
(City Manager's Office)

**ACTION:** Certificates presented.

Mayor Dermer stated that the Art Basel Festival was a tremendous event in our community. It was well publicized and it reached levels beyond expectations. It was one the best single event any city can have. It brought lots of revenues to the City and there were very few complaints. It was a great success and it placed the City of Miami Beach on the map worldwide as being one of the great art venues. This is a tribute to many local people. We are now in the process of having a long-term relationship with Basel for at least another four years. He recognized some of the people that had a key role in making this happen. He stated that Bob Goodman was instrumental in the public relations for Art Basel. He mentioned that former Mayor Neisen Kasdin and former Commissioner Nancy Liebman deserve all the credit in the world for all their hard work.

Former Mayor Neisen Kasdin thanked Mayor Dermer for his gracious words. He stated that the Art Basel was a great community achievement and he was pleased to play a part. He reflected on what Art Basel means to the community because many cities around the country have cultural events, museums, performing art centers and those things enrich the lives of the residents, but very few cities have art and cultural events of the quantity and the caliber of the City of Miami Beach. He stated that Art Basel was a crowning achievement and that makes this City so special and so different amongst the cities in the world and this Commission and this Administration have been enthusiastic in support of the arts. He stated that we need to look collectively into the future; the City, the Visitors Bureau, Miami-Dade County, at creating cultural events of this caliber so that not only will our residents be proud, but also people from all over the world will want to participate.

Jorge Gonzalez, City Manager, stated that what made this event great was that many of the individuals

involved opened their homes and their collections for this event.

- PA2 Certificate Of Appreciation To Be Presented To Officer David McLaren, Police Department, In Recognition Of The "At Your Service Award" For The Month Of January 2003.  
(City Manager's Office)

**ACTION:** Withdrawn.

**10:01:10 a.m.**

- PA3 Proclamation To Be Presented Declaring February As Black History Month.  
(City Manager's Office)

**ACTION:** Proclamation presented.

Jorge Gonzalez, City Manager, stated that since 1926 February has been proclaimed Black History Month in the United States when the first Negro History Week was celebrated. He stated that Dr. Carter Woodson chose the second week in February to highlight two important historical figures: Abraham Lincoln and Frederick Douglas, each helped move forward the issue of blacks in America. He stated that several events relative to black history in America took place in February, such as the birth of a prominent Civil Rights leader W.E B. DuBois in February 1868, the Fifth Amendment granting the blacks the right to vote was passed in February 1870, the first black U. S. senator took the oath of office in February 1870, the NAACP was founded in February 1909 and the first "sit-in" at the segregated lunch counter at Woolworth in North Carolina took place in February 1960. The City of Miami Beach celebrates Black History Month in February each year and will continue with the art display on the fourth floor. He gave special thanks to the Art in Public Places Committee, in particular Rosie Gordon Wallace, who is the founder and curator and helped organize this event.

Pola Reydburd from the Arts in Public Places spoke.

Rosie Gordon Wallace spoke.

Roymi Membiela, Chairperson of the Community Relations Board, spoke.

**9:42:11 a.m.**

- PA4 Check To Be Presented To The Miami Beach Police Athletic League From Larry Kaplan Of The Great Eskate.

(Requested By Mayor David Dermer)

**ACTION:** Check presented.

Gene Cook spoke and introduced the organizers of the event.

Bernie Weiner, PAL, thanked the Great Eskate for their donation and announced the money will be spent on a 6th grade young police academy for 40 young boys and girls.

**9:51:42 a.m.**

- PA5 Presentation To The Mayor And Commission From The Orange Bowl Committee In Appreciation For Lending Support For The Orange Bowl 2002.

(Requested By Mayor David Dermer)

**ACTION:** Presentation made.

Michael Kosnitzky thanked the Commission for their assistance in hosting the 2003 FedEx Orange Bowl Classic at Pro Player Stadium featuring Iowa and USC. A one and half minute video of the Orange Bowl festivities was shown.

A football helmet was presented to each member of the Commission and the City Manager.

Vice-Mayor Cruz stated that the Iowa fans deserve to be complimented. He has had compliments from the hotels and restaurants of what a great crowd the people from Iowa are.

Handout or Reference Materials

1. Booklet titled: "2003 FedEx Orange Bowl Newspaper Clipping"

**10:14:05 a.m.**

- PA6 Proclamation To Be Presented To Gilbert M. Fein, Architect, A.I.A., Master Designer Of The Post World War II Modern Style Of Architecture In Miami Beach And A Prominent Figure In The Architectural Evolution Of The City.

(Planning Department)

**ACTION:** Proclamation presented.

William Cary, Historic Preservation Director, introduced the item, gave a history of Mr. Fein's work, and presented the members of Mr. Fein's family.

Mr. Jorge Dorta-Duque spoke.

**10:10:07 a.m.**

- PA7 Presentation To The Miami Beach Fire Department "C" Shift For Their Work On Espanola Way.  
(Requested By Mayor David Dermer)

**ACTION:** Presentation made.

Mayor Dermer recognized the fine men and women of the Miami Beach Fire Department. He presented the trophy to Fire Chief Jordan.

Chief Jordan thanked the Mayor Dermer and the Commission for the recognition.

**New Item****9:33:40 a.m.**

PA8 Proclamation To Be Presented to The African American Host Committee.  
(Requested By Mayor David Dermer)

**ACTION:** Proclamation presented.

Mayor Dermer commended and thanked Mr. Henry Crespo for his idea trying to involve young black professionals in Miami Beach. He recognized Charles Byrd, Karen Jackson, Christopher Norwood, Jeanette Stanley, Stacey Joseph and Lawanda Joseph.

Mr. Henry Crespo spoke on behalf of the South Beach Black Host Committee.

A representative explained that the initiative is to form a welcoming committee so that visitors of an African American descent will feel welcome on Miami Beach.

Commissioner Bower stated that we need diversity in our boards and committees. She is looking for individuals that live on the Beach to serve.

**New Item:**

PA9 Certificate of Appreciation Presented To Jerry Williams, Retiring after 30 Years With The Parking Department.

**ACTION:** Withdrawn.

**10:19:30 a.m.****New item:**

Jorge Gonzalez, City Manager, explained about the employees service awards and employee's talent show that took place during the employee's recognition ceremony.

Liliam Hatfield, from the City Clerk's Office, presented the Commission with her artwork.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Cruz; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

C2A Request For Approval To Issue Standing Orders To Designlab, Inc. And Swago T-Shirts, Inc., The Lowest And Best Bidders, Pursuant To Invitation To Bid No. 62-01/02, Providing Silk Screened And Embroidered Apparel In The Estimated Annual Amount \$70,000.  
(Procurement)

**ACTION: Award approved.** Gus Lopez to issue Standing Orders and notify departments.

**11:01:02 a.m.**

C2B Request For Approval To Award A Lease Agreement To Fort Lauderdale Harley Davidson Inc., For The Lease Of 14 Harley Davidson Police Motorcycles Pursuant To Bid No. 19-02/03, And Further Authorize The Mayor And City Clerk To Execute The Appropriate Lease Agreement As Approved By The City Attorney's Office.

(Procurement)

**ACTION: Item separated for discussion by Vice-Mayor Cruz. Resolution No. 2003-25122 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 7-0. **Drew Terpak** to handle.

Vice-Mayor Cruz stated that the City sent out over 363 bids and received one bid. He assumed that the bidder is the current vendor.

Jorge Gonzalez, City Manager, stated that the item is to lease police motorcycles. The current vendor is Harley Davidson of Miami. Harley Davidson Miami did not choose to bid. The award is to Harley Davidson of Ft. Lauderdale. .

Vice-Mayor Cruz asked why Harley Davidson of Miami did not bid and why the City would have to go to Ft. Lauderdale to service the bikes rather than to Miami.

Jorge Gonzalez, City Manager, stated that the reason they did not bid is a business decision on their part. The notice was sent to them and they were encouraged to bid and they choose not. Addressing the travel distance question, Harley Davidson Miami is located near the Dade Broward County line. The travel distance from Harley Davidson Miami to Harley Davidson Ft. Lauderdale is an additional 11 miles.

City Clerk's Note: This item should have been a C7 item with a resolution.

#### **C4 - Commission Committee Assignments**

C4A Referral To The Land Use And Development Committee - Discussion Regarding The Parking Requirements For Elderly Housing.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION: Item referred.** Jorge Gomez to place on the agenda. Jorge Gomez to handle.

**C6 - Commission Committee Reports****10:23:19 a.m.**

C6A Report Of The Neighborhoods Committee Meeting Of January 10, 2003: **1)** Discussion Regarding The City's Enforcement Of The Noise Ordinance; **2)** Discussion And Presentation Of The Modifications And Refinements To The Concept Plan For The Parkland Leased To The JCC Located At 4221 Pinetree Drive; **3)** Ordinance Dealing With Rehearings/Mitigation To Provide Limits On Settlement Agreements Regarding Special Master Fines; And **4)** Discussion Regarding The Creation Of A City Of Miami Beach Civic Federation.

**ACTION: Item # 4 was separated for discussion by Commissioner Gross.** Motion made by Commissioner Gross to refer Item # 4 to the Neighborhoods Committee. Item referred via a consensus of the Commission. **Vivian Guzman to place on the agenda and handle.**

**Item 1:**

Item deferred to the next Neighborhoods Committee meeting.

**Item 2:**

Motion made by Commissioner Bower and approved by the committee to refer the item to the Planning Board. **Jorge Gomez to handle.**

**Item 3:**

Item deferred to the next Neighborhoods Committee meeting.

**Item 4:**

Motion made by Commissioner Bower and approved by the Committee to not move the item forward and develop a Civic Federation.

C6B Report Of The General Obligation Bond Oversight Committee Meeting Of January 13, 2003: **1)** Change Order Report; **2)** Project Status Report: a. Report Of Status Of Normandy Isle Pool Negotiations; **3)** Presentation: a. GO Bond Interest Accrual, Uses; And **4)** Informational Items: a. Updated Calendar Of Scheduled Community Meetings; b. Biscayne Pointe Neighborhood Community Design Workshop #2 Report; c. Letter To Commission Regarding REG Debarment; d. Flamingo Park/Property Management Yard A/E Authorization To Negotiate.

**ACTION: Written report submitted.**

**Item 1:**

The Administration informed the Committee of change orders that had been approved since the last meeting.

**Item 2:**

The Administration informed the Committee that the issue of the piles to be placed under the deck of the Normandy Isle Pool project had been resolved. It was determined that cement piles will be used under the pool deck, requiring an additional change order of approximately \$179,000. The Administration informed the Committee that the proposed date of completing is September 2, 2003.

The Administration informed the Committee that the Fire Station No. 2 project could not proceed until an existing water tank is removed and new ones built at another location. The Administration added that Jasco Construction Company is the contractor on the project and had been investigated by the



County for alleged ethical violations The Administration has researched the issue and submitted documentation for the City Attorney's review.

The Administration informed the Committee that the construction documents had been submitted for the South Shore Community Center Project. The Administration will be meeting with REG Architects to go over any deficiencies in the construction documents. The Administration added that the project should be ready to be put out for bid sometime in the spring of 2003.

**Item 3:**

A presentation was made to the Committee regarding the accrual of GO Bond Interest. The interest funds are strictly regulated, and can be used for only limited purposes, such as Arbitrage, unforeseen project costs, and costs for bond counsel opinions. At this point in time, GO Bond interest is not available for project funding shortfalls.

**Item 4:**

- A. A calendar of scheduled Community Meetings was presented to the Committee.
- B. The Administration informed the Committee that the Biscayne Point Neighborhood Community Design Workshop #2 held on January 9, 2003, was well attended. There was a consensus for the proposed improvements among the residents.
- C. The Administration informed the Committee that a Letter to Commission was prepared to report the results of the investigation of the proposed debarment of REG Architects, Inc. Based on the independent investigator's report, there did not appear to be anything to substantiate debarment. Therefore, the debarment complaint was dismissed. The Administration informed the Committee at the next meeting how much money was expended for the independent investigation and what funding source it came from.
- D. The Administration informed the Committee that the City Commission authorized the Administration to negotiate with EDAW for Architectural/Engineering Services for the Flamingo Park and Property Management yard projects.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of January 15, 2003: **1)** Sidewalk Café Fees Of North Beach; **2)** Discussion Regarding Concession Revenues And Funding For Lincoln Road Marketing, Inc.; **3)** Minimum Pension Benefit Resolution; **4)** Funding Sources For The Washington Avenue Streetscape Improvement Project; **5)** RFP For Auditing Services For Auditing Resort Taxes; And **6)** The Construction Budget Related Aspects Of The Byron Carlyle Theater.

**ACTION: Written report submitted.**

**Item 1:**

The Committee moved the item to the full Commission, recommending the City of Miami Beach: waive Sidewalk Café Fees for all business north of 63<sup>rd</sup> Street; and annually review the practice of waiving Sidewalk Café Fees for business north of 63<sup>rd</sup> Street at budget time. **See R5K.**

**Item 2:**

Item deferred.

**Item 3:**

Item deferred.

**Item 4:**

The Committee moved the item to the full Commission, recommending the City of Miami Beach appropriate \$1,611,555 for the Washington Avenue Streetscape Project from the City's General Fund undesignated fund balance, subject to the following conditions: said funds are to be reimbursed by proceeds received from the Miami-Dade County Transportation Tax, also known as the Miami-Dade County Half Penny Sales Tax; the City will prepare a "Declaration of Intent," specifically detailing the plan to reimburse all project cost paid by the General Fund with Incoming Transportation Tax Funds. Additionally, the City will pay project costs from all other designated funding sources available for the Washington Avenue Streetscape Project, before using General Fund dollars. **See item R7C.**

**Item 5:**

The Committee moved the item to the full Commission, recommending the City issue a Request for Proposals for auditing services for Resort Tax payers for a one-year period with two one-year extensions, and to extend the existing contracts with Beverly Young and The Bookkeepers on a month-to-month basis until a new contract is executed. **See item C7B.**

**Item 6:**

Item deferred.

- C6D Report Of The Community Affairs Committee Meeting Of January 16, 2003: **1)** Discussion Regarding The Ordinance Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration," By Amending Article VI Thereof Entitled "Procurement," By Amending Division 3 Entitled "Contract Procedures," And Division 4 Entitled "Purchases," By Amending Section 2-369, 2-370, And 2-395; **2)** Discussion Regarding Art In Public Places Funds; **3)** Discussion Regarding An Ordinance Capping Campaign Expenditures; **4)** Discussion Regarding An Ordinance Prohibiting Commissioners From Appearing Before Advisory Boards On Matters That May Foreseeably Come Before The Commission; And **5)** Discussion On A Process To Evaluate The Special Masters.

**ACTION: Written report submitted.**

**Item 1:**

A motion was made by Commissioner Smith with Commissioners Cruz, Garcia and Bower in favor, and opposed by Commissioner Gross. The Ordinance is to go to City Commission for first reading, with the following amendment: ".....when the lowest and best bidder is not a Miami Beach-based vendor, the procurement director will offer to a responsive and responsible Miami Beach-based vendor who is within ~~40%~~ 5% of the lowest and best bidder, an opportunity of providing the goods and service at the lowest possible bid amount." **Gus Lopez to handle.**

**Item 2:**

The item was deferred.

**Item 3:**

Jean Olin, Deputy City Attorney, will continue checking with the Vermont Attorney General's Office for the outcome of the Landell case. If court cases are found to support the proposed legislation, the City Attorney's Office will bring the proposed legislation back to the Community Affairs Committee for discussion.

**Item 4:**

The item was deferred.

**Item 5:**

The City Clerk is to survey other governmental entities and inquire as to the evaluation process used for special masters and counsel to city boards and committees.

**C7 - Resolutions**

- C7A A Resolution Retroactively Authorizing The City Manager Or His Designee To Submit Grant Applications For The Following Funds: 1) To The Florida Department Of Community Affairs, Division Of Emergency Management, Emergency Management Preparedness And Assistance Trust Fund; 2) To The Miami-Dade County Homeless Trust Grant Funds; 3) To The Metlife Foundation Community-Police Partnership Awards; And 4) Hewlett-Packard Company Microenterprise Development Program; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To These Applications.  
(Grants Management)

**ACTION: Resolution No. 2003-25109 adopted.** If awarded and accepted by the City, Patricia Walker to appropriate the funds. Mayra Diaz Buttacavoli to handle.

- C7B A Resolution Authorizing The Administration To Issue A Request For Proposals For The Provision Of Auditing Resort Taxes For A One-Year Period With Two One-Year Extensions, And To Extend The Existing Contracts With Beverly Young And The Bookkeepers On A Month-To-Month Basis Until A New Contract Is Executed.  
(Internal Audit)

**ACTION: Resolution No. 2003-25110 adopted.** Gus Lopez to issue RFP. James Sutter to handle.

**10:36:45 a.m.**

- C7C A Resolution Consenting To The Appointment Of Donna Shaw As Director Of Tourism And Cultural Development.  
(Human Resources)

**ACTION: Item separated for discussion by Jorge Gonzalez, City Manager, to introduce Ms. Shaw to the City Commission.**

**Resolution No. 2003-25111 adopted.**

Mayor Dermer welcomed Ms. Shaw to the City of Miami Beach. He stated that the City of Miami Beach is very happy that she decided to come to Miami Beach. He added that people in the tourism industry and the world of culture and travel have nothing but good things to say about her.

Jorge Gonzalez, City Manager, explained that the Commission had asked the Administration to look at the organization and identify areas of opportunities and areas where the Administration could be doing better. One area which was looked at and where it was felt that the Administration could do better was in the area of cultural and tourism. The City Commission authorized the creation of a department, Tourism and Cultural Development. The Department would focus and strategize all of the efforts to

work with other City Departments, the hoteliers, SMG for the Convention Center and theaters, the Bureau, the Visitors and Convention Authority, the County and State, to capitalize on the assets of Miami Beach. The City recruited nationally to find the best person to bring cultural and tourism together in a way that has not been done in South Florida before. Chicago, Illinois is recognized as the nation's leader in cultural tourism. Ms. Shaw served the governor of Illinois for eight years, heading up their Office of Tourism and Film and Print that had either the largest or second largest state tourism budget in the nation. Ms. Shaw meets all of the criteria he was looking for. Recently, Ms. Shaw was working as a consultant for American Express on a program to tout America's greatest Cities. Her first duty is to get Miami Beach onto the list.

Ms. Donna Shaw thanked the Mayor, Commissioner, and City Manager. She stated that it is her sincere honor and privilege to work with the City of Miami Beach. She is looking forward to serving the City.

Commissioners Gross, Smith and Steinberg commended Jorge Gonzalez, City Manager, for having the vision of creating this position and his selection of Ms. Shaw.

Commissioner Garcia welcomed Ms. Shaw.

Commissioner Smith asked Ms. Shaw not to forget about the South American market.

Commissioner Cruz welcomed Ms. Shaw and is looking forward to meeting with her.

Jorge Gonzalez, City Manager, thanked Police Chief De Lucca, for his team effort in offering the services of Police Major Tom Wechsler. He commended Tom for his service as an interim Director in the Arts, Culture, and Entertainment Department. He stated that Tom performed exceptionally well.

He understood the issues very quickly and made reasonable and sound recommendations. In the three or four months Tom was the interim director the City coordinated the MTV Latin American Music Video Awards, the first ever Thanksgiving Day Parade, the taping of the Good Morning America on South Beach, and Art Basel Miami Beach. In the Film and Print area the filming of From Justin to Kelly, CSI Miami, Bad Boys II, the Fast and the Furious II, and Out of Time also took place.

Police Major Tom Wechsler recognized the staff of the Arts Culture and Entertainment Department. He thanked Jorge Gonzalez, City Manager, Christina Cuervo, Assistant City Manager and Police Chief De Lucca for the opportunity.

C7D A Resolution Approving The Transfer Of Ownership Of 117 South Shore Drive From The Estate Of Joseph S. Barella To Challenger Point, LLC, Further Approving The Attached Assignment And Assumption Agreement Between The Estate Of Joseph S. Barella And Challenger Point, LLC For The Multi-Family Housing Rehabilitation Program Matching Grant Agreement Between The City And The Estate Of Joseph S. Barella, Dated June 18, 1999.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25112 adopted.** Vivian Guzman to handle.

- C7E A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25113 adopted.** Vivian Guzman to handle.

- C7F A Resolution Accepting The Donation Of \$500 From The Fontainebleau Hilton Resort To Be Used Toward The City's Community Emergency Response Team (C.E.R.T.) Program.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25114 adopted.** Vivian Guzman to handle.

- C7G A Resolution Authorizing The Mayor And City Clerk To Execute Change Order (No. 1), In The Amount Of \$158,668.02, To American Water Services Underground Infrastructure, Inc., As Successor In Interest To Azurix North America Underground Infrastructure, Inc., For The Rehabilitation Of Sanitary Sewers, And Appropriating Such Funds From The Series 2000 Water And Sewer Bond Fund No. 424.

(Public Works)

**ACTION: Resolution No. 2003-25115 adopted.** Patricia Walker to appropriate funds. Fred Beckmann to handle.

- C7H A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements And Approving The Use Of The Fortress - Miami Corp., In A Not To Exceed Amount Of \$74, 295, For The Storage Of The Bass Museum's Permanent Collection, On A Month-To-Month Basis, Until Such Time That The Bass Museum HVAC Repairs And Adjustments Are Complete.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2003-25116 adopted.** Donna Shaw to handle.

**Supplemental Materials: C7I - Revised Resolution**

- C7I A Resolution Approving A Settlement Regarding Liens On The Property At 1440 Alton Road Owned By Tse-Dao Chien Providing That Lien In The Amount Of \$240,946 Be Settled And Further Authorizing The Mayor and City Clerk To Execute Any And All Documents Necessary To Effectuate The Settlement.

(Neighborhood Services)

**(Revised Resolution)**

**ACTION: Resolution No. 2003-25117 adopted.** Vivian Guzman to handle.

10:52:09 a.m.

C7J A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Interlocal Agreement, Including Such Modifications Thereto That Are Acceptable To The City Attorney, Between Miami-Dade County School Board, And All Local Governments Within Miami-Dade County, As Required By The Florida Legislature, In Order To Improve Coordination Between Local Government Land Use Planning And School Board Facilities Planning, And Other Related Matters, And To Execute Such Other Documents As May Be Necessary To Carry Out The Intent Hereof.  
(Planning Department)

**ACTION: Item separated by Commissioner Smith.**

Motion made by Commissioner Smith to defer the item and refer it to a joint meeting of the Committee for Quality Education in Miami Beach, the Neighborhoods Committee, and the Land Use and Development Committee with the Miami-Dade County School Board participating; seconded by Commissioner Garcia; Voice vote: 7-0. Vivian Guzman, Jorge Gomez, and Maria Ruiz to coordinate a joint committee meeting. Lilia Cardillo to place on the February 26 agenda. Jorge Gomez to handle.

Commissioner Smith stated that over the years the City's relationship with the School Board has been turbulent. We have fought about the conditions of Miami Beach schools, about how impact fees will be distributed, about planning and zoning issues, discussed joint use of facilities, and debated the issue of charter schools. This interlocal agreement deals with all of these issues and then some. At the very least, it should be referred to the Committee for Quality Education in Miami Beach.

Jorge Gomez, Planning Director, stated that the State passed statutes which requires the City to enter into an interlocal agreement. It is a complicated document. He stated that the School Board needs to address some of the questions. The State has set a deadline to adopt the interlocal agreement by March 1. There are sanctions in the State Statutes.

Commissioner Smith would like to hear what Mayor Paul Novack, City of Surfside, thinks about this agreement because of interest he has taken with the School Board.

Jorge Gomez, Planning Director, stated he is sure Mayor Novack has concerns and issues; however, Surfside is exempt from this interlocal agreement because there are no public schools in Surfside.

Commissioner Gross asked if the County would make changes to the agreement.

Ms. Vivian Villaamil from the Miami-Dade County School Board stated that the City of Miami adopted it and the School Board adopted it on January 15. The School Board adopted it knowing there may be substantial changes. There is an item on the February 12 School Board agenda in the event there are substantial changes.

Commissioner Bower spoke with the School Board Chairperson, Dr. Krop, who told her that he thought the "period-of-comments" was over.

Ms. Vivian Villaamil stated that there was a deadline of January 31, but there have been concerns from other municipalities and the School Board is amiable to listening to comments. This document is a document that stresses collaborations and the School Board wants to share information and ally any concerns.

**End of Consent Agenda**  
**REGULAR AGENDA**

**R2 - Competitive Bid Reports****12:35:14 p.m.**

R2A Request For Approval To Award A Contract To The Lowest And Best Bidder, Cazo Construction Corp., In The Amount Of \$3,358,000, Pursuant To Bid No. 02-02/03 For The ADA Renovations For The Miami Beach Convention Center.

(Procurement)

**ACTION: Award approved.** Motion made by Commissioner Smith to approve the award waiving the immaterial variation; seconded by Vice-Mayor Cruz; Voice vote: 7-0. Gus Lopez to handle.

Raul Aguila, First Assistant City Attorney, stated that there was a bid protest filed by the second lowest bidder Regosa Construction Company. There were three (3) issues raised. He recommended that the bid protest be denied.

Mr. Rocha, Regosa Engineering spoke.

Handouts or Reference Materials:

1. Letter from Jorge Gonzalez to Ms. Draguisa Gomero, Regosa Engineering, Inc, dated February 4, 2003, RE: Bid Protest Response for 02-02/03 - ADA Renovations for the Miami Beach Convention Center

**R5 - Ordinances****12:46:53 p.m.**

R5A An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration"; By Amending Article VI Thereof Entitled "Procurement"; By Amending Division 3 Entitled "Contract Procedures"; By Amending Sections 2-367 And 2-369; Said Amendments Respectively: 1) Providing For The City Manager With The Authority To Reject All Bids Within Certain Parameters; And 2) Providing For The Administration To Negotiate On Any Construction Project Whereby The Lowest And Best Bidder Exceeds The Budgeted Amount; And 3) Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The School Board Of Miami-Dade County; Providing For Repealer, Severability, And An Effective Date. **10:15 A.M. Second Reading, Public Hearing**

(Procurement)

(First Reading On January 8, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3390 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code Corporation.

Mayra Diaz Buttacavoli recorded the following amendment into the record: 2-367 (b) (i) Reject the bid and, if he determines that same is in the best interest of the City, readvertise the item for bidding ~~after making substantial changes in the project plans to bring the cost within the limit of the money available;~~ or

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**12:44:20 p.m.**

R5B An Ordinance Amending Chapter 106 Of The Miami Beach City Code Entitled "Traffic And Vehicles" By Amending Article II Thereof Entitled "Metered Parking" By Amending Division I Entitled "Generally",

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By Amending Section 106-55 (L), Entitled "Exceptions" By Providing For Parking Smart Card Program Incentives And Authorizing The City Manager To Allow Parking Incentives For Specific Initiatives Sponsored And/Or Promoted By The City; Providing For Repealer, Codification, Severability, And An Effective Date. **10:20 A.M. Second Reading, Public Hearing.**

(Parking Department)

(First Reading On January 8, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3391 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code Corporation. Saul Frances to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**12:50:14 p.m.**

R5C Amendment To RM-PRD Land Development Regulations As It Relates To The Subdivision Of Land Within The District.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Subdivision III, "RM-PRD Multifamily, Planned Development District," Section 142-185, Clarifying The Average Unit Size For New Construction Is A Minimum Of 1,000 Sq. Ft., Allowing The Subdivision Of Land Within Such District, As Long As The Parent Parcel Remains In Compliance With The Land Development Regulations Of That Section, And Providing That All Development Within The District Is Subject To Design Review Procedures, Providing For Repealer, Severability, Codification And An Effective Date. **10:30 A.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading On January 8, 2003)

**ACTION: Public Hearing opened and continued to February 26, 2003 at 10:30 a.m.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Email from Gary Held, First Assistant City Attorney, forwarding an email from Mr. Schulman stating that Mr. Schulman and Mr. Bass will not be attending the meeting but agreed to a continuance.



**4:44:17 p.m.**

R5D Campaign Finance Reform Legislation.

1. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" Via The Addition Of Code Section 2-488 Entitled "Prohibited Campaign Contributions By Lobbyists On Procurement Issues"; Providing For Repealer, Severability, Codification, And Effective Date. **2:30 P.M. Second Reading, Public Hearing**  
(Requested By Commissioner Saul Gross)  
(First Reading On January 8, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3393 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 5-2; Opposed: Commissioners Garcia and Smith. Robert Parcher to transmit to Municipal Code Corporation and to transmit the ordinance to all registered lobbyists and maintain a list, for election campaign purposes, of all lobbyist who met the criteria.

Robert Meyers, Miami-Dade Commission on Ethics, read a statement into the record.

Commissioner Bower asked if a candidate could have a paid employee work on a campaign if the employee is a registered lobbyist in the City of Miami Beach?

Robert Meyer stated he believes that the paid employee can work on the campaign, but if he/she is registered as a City of Miami Beach lobbyist and meets the criteria of any of the four (4) campaign reform ordinances, he/she cannot contribute or solicit contributions.

Commissioner Garcia is concerned that by placing all these regulations, the City is making the money go underground because ethics and morality cannot be regulated.

Morris Sunshine spoke.

Gil Zriny spoke.

Commissioner Gross read a statement into the record by Joseph Centorino, Miami-Dade's top public corruptions prosecutor.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Miami Herald article dated Monday, January 13, 2002, Section 3B
3. Document titled Proposed Legislation - Campaign Finance Reform, Draft Vendor Report, bid specification language, lobbyist log, Proposed letter from City Clerk to Lobbyists, Proposed sample letter from candidate to campaign donors

5:14:03 p.m.

2. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII Division 5 Thereof Entitled "Campaign Finance Reform," Via The Addition Of Code Section 2-489 Entitled "Prohibited Campaign Contributions By Real Estate Developers"; Providing For Repealer, Severability, Codification, And An Effective Date. **2:30 P.M. Second Reading, Public Hearing**  
(Requested By Mayor David Dermer)  
(First Reading On January 8, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3394 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Garcia. Robert Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Amendments:

1. (4)(a)(1): ".....and/or entity who has a ~~present~~ pending application for a Development....."
2. (4)(a)(3): Line 2: "....final approval or disapproval by the....".
3. (4)(a)(3): Line 3 & 4 "....approval or disapproval of the ...."

Jeff Berrow stated that he is a registered lobbyist on many real estate development matters. He applauded the Mayor and City Commission on the ordinances and hopes the Commission approves the ordinances with the amendments he is recommending. He stated that there are several loopholes in the ordinances. The ordinances only apply to those developers who have applied for developments agreements, rezoning, and comprehensive plan, land use plan map amendments. What about the other land use items such as ally and street closings, requests to use GU property, land use code changes, comprehensive plan text changes, DRI approvals and amendments, appeal of Design Review decisions, and lobbying on capital improvement issues. All of the above need to be included to avoid the appearance of undue influence.

Commissioner Steinberg stated that he has no problem adding the items that Mr. Berrow has pointed out.

Commissioner Smith stated that he also doesn't have a problem with adding them but there may be a question of adding the items without proper notice.

Murray Dubbin, City Attorney, stated that the narrower the prohibition the safer the City is in protecting it against a constitutional challenge.

Mayor Dermer stated that the expanded items should be included but not at this time.

Commissioner Gross stated that he is also has no problem with adding Mr. Berrow's items via a future ordinance.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**5:21:26 p.m.**

3. An Ordinance Amending Miami Beach City Code Chapter 2, Article VII Division 5 Thereof Entitled "Campaign Finance Reform", Via The Addition Of Code Section 2-490 Entitled "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues," Exempting Therefrom Lobbyists Representing Non-Profit Corporations Or Entities; Providing For Repealer, Severability, Codification, And An Effective Date. **2:30 P.M. Second Reading, Public Hearing**

(Requested By Mayor David Dermer)

(First Reading On January 8, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3395 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Garcia. Robert Parcher to transmit to Municipal Code Corporation and to transmit the ordinance to all registered lobbyists and maintain a list, for election campaign purposes, of all lobbyists who meet the criteria.

Amendments:

1. 2-490(1) line 1: "...lobbyist on a ~~present or~~ pending application for a Development ...."
2. 2-490(5) line 2: "... Florida Statutes, ~~is~~ as amended...."

Mayor Dermer commended Commissioner Gross and everyone for working so hard on these ordinances.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**5:41:05 p.m.****R5E Comprehensive Plan Amendment - Round #03-2**

An Ordinance 1) Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And 2) Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 P.M. First Reading, Public Hearing.**

(Planning Department)

(Continued From January 8, 2003)

**ACTION: Public Hearing opened and continued to May 21, 2003 at 5:01 p.m.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Vice-Mayor Cruz and Commissioner Garcia. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Letter from James F. Silvers, to Jorge Gonzalez, City Manager, Dated January 23, 2003, RE: Requesting a continuance of Agenda items R5E and R5F to May 21

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**5:41:05 p.m.**

R5F Zoning Map Change And Land Development Regulations Amendment.  
An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 P.M. First Reading, Public Hearing.**

(Planning Department)  
(Continued From January 8, 2003)

**ACTION: Public Hearing opened and continued to May 21, 2003 at 5:01 p.m.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Vice-Mayor Cruz and Commissioner Garcia. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

## Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Letter from James F. Silvers, to Jorge Gonzalez, City Manager, Dated January 23, 2003, RE: Requesting a continuance of Agenda items R5E and R5F to May 21

**8:37:36 p.m.**

R5G Comprehensive Plan Amendments - Round 03-1  
An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Year 2000 Comprehensive Plan, As Amended, By Amending Policy 1.2 Of Objective 1: Land Development Regulations Of The Future Land Use Element To Allow Bed And Breakfast Establishments In The RM-1 Future Land Use Category Within The Flamingo Park Historic District; To Allow Offices In The I-1 Future Land Use Category; To Add Residential Office, Suite Hotels, And Bed And Breakfast Inns To The List Of Permitted Uses In The RM-1 Category Within The West Avenue Bay Front District Overlay; And To Add Residential Office To The RM-2 Category Within The West Avenue Bay Front District Overlay; And By Clarifying As "Other Uses" The Conditional Uses Which Are Required To Go Through A Public Hearing Process, And The Accessory Uses Which Are Required To Be Subordinate To The Main Use, As They May Be Permitted In Each Land Use Category; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies; Providing For Repealer, Severability, Inclusion In The Comprehensive Plan And An Effective Date. **5:15 P.M. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading On September 25, 2002)

**ACTION: Public Hearing held. Ordinance No. 2003-3392 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Vice-Mayor Cruz. Robert Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Benita Argos spoke.

## Handout or Reference Materials:

1. Notice of Ad in Miami Herald
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**11:33:36 a.m.**

R5H An Ordinance Amending Chapter 74 Entitled "Peddlers And Solicitors," By Creating Article III Thereof Entitled "Panhandling On Public Property," By Creating Definitions Relating To Panhandling And Solicitation; And Setting Forth Provisions For The Applicability Of The Article; By Prohibiting Panhandling And Solicitation On Designated Areas Within The City; And By Providing For Penalties For Violations; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Item referred.** Motion made by Commissioner Bower to refer the item to the Community Affairs Committee; seconded by Commissioner Garcia; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the Committee Agenda. Legal Department to handle.

Commissioner Steinberg explained that the Administration has stated that it will be too difficult to enforce the ten (10) foot requirement on Lincoln Road and Ocean Drive and requested to expand this ordinance to cover all of Lincoln Road and Ocean Drive.

Martha Diaz, Assistant City Attorney, spoke.

Marlo Courtney, on behalf of the Ocean Drive Association, spoke.

Martha Diaz, Assistant City Attorney, stated that there is a Miami-Dade County Ordinance addressing aggressive panhandling. This ordinance is dealing with passive panhandling and it does not require the observation of an aggressive action.

Police Chief De Lucca spoke.

Commissioner Bower asked to add Española Way to this ordinance.

**Motion made by Commissioner Steinberg to approve the amended ordinance. No second offered.**

**10:20:47 p.m.**

- R5I An Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses" By Creating Article V Thereof, To Be Entitled "False Claims Ordinance," By Creating Section 70-300 To Be Entitled "Short Title; Purpose"; By Creating Section 70-301 To Be Entitled "Definitions"; By Creating Section 70-302 To Be Entitled "Certification Of Claims" ; By Creating Section 70-303 To Be Entitled "Liability For False Claims; Penalties"; By Creating Section 70-304 To Be Entitled "Intervention By Third Parties In Civil Actions For False Claims"; By Creating Section 70.305 To Be Entitled "Rights Of Parties In Civil Actions; Limitation Of Actions"; By Creating Section 70-306 Entitled "Awards To Plaintiffs Bringing Action"; By Creating Section 70-307 To Be Entitled "Expenses; Attorney's Fees And Costs"; By Creating Section 70-308 Entitled "Exemptions To Civil Actions"; By Creating Section 70-309 To Be Entitled "Protection For Participating Employees"; By Creating Section 70-310 To Be Entitled "Burden Of Proof; Presumption Of False Claims"; By Creating Section 70-311 To Be Entitled "Innocent Claimant Affirmative Defense"; By Creating Section 70-312 To Be Entitled "Construction And Severability Of Provisions"; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Requested By Commissioner Jose Smith)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for February 26, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**10:22:53 p.m.**

- R5J An Ordinance Amending Miami Beach City Code Article III, Division 2 Entitled "Barrier-Free Environment Committee," Section 2-31(d) Thereof By Deleting The Six Non-Voting Ex Officio Members, Establishing A Board Quorum Of Three Members And Requiring At Least Three Votes For Board Action; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Requested By Mayor David Dermer & Commissioner Saul Gross)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for February 26, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

**8:35:33 p.m.**

Supplemental Materials: R5K - Ordinance

R5K An Ordinance Amending Miami Beach City Code Chapter 82, Entitled "Public Property," By Amending Article IV Thereof Entitled "Uses In Public Right-Of-Way," By Amending Division V Thereof Entitled "Sidewalk Cafes," By Amending Section 82-383 Entitled "Fee; Renewal Fee; Penalties For Late Payments For Renewal Fee," By Amending Subsection (e) Thereof To Abate Sidewalk Café Fees For Businesses North Of 63<sup>rd</sup> Street; Providing For Repealer, Codification, Severability And An Effective Date.

(Requested By Commissioner Luis R. Garcia, Jr.)

**(Ordinance)**

~~R5K An Ordinance Amending Article VI Of Miami Beach City Code 39, Entitled "Sidewalk Cafes" Amending Sec. 82-383(e) "Fee" To Waive Sidewalk Café Fees For Businesses North Of 63<sup>rd</sup> Street; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading;**~~

~~(Finance Department)~~

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-1; Absent: Vice-Mayor Cruz. Second Reading and Public Hearing scheduled for February 26, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

**R6 - Commission Committee Reports**

R6A Verbal Report Of The Finance And Citywide Projects Committee Special Meeting Of January 29, 2003:  
**1)** Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

**ACTION: Not reached.** Lilia Cardillo to place on the February 26, 2003 Consent Agenda. Patricia Walker to handle.

**R7 - Resolutions**

**11:08:30 a.m.**

R7A A Resolution Approving By 5/7ths Vote, Of A Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Take All Emergency, Necessary And Appropriate Actions To Provide The Necessary Construction Services And Materials For The Pine Tree And La Gorce Traffic Calming Project, Which More Specifically Includes, But Is Not Limited To, The Landscaping And Uplighting Of 19 Center Median Traffic Separators On La Gorce Drive And Pine Tree Drive; Allowing For The Execution Of Emergency Construction Contracts, Purchase Orders And Associated Agreements, In A Form Acceptable To The City Attorney, For Said Project, In An Amount Not To Exceed \$420,000, For The Construction Phase Of Said Project, Derived From Middle Beach Quality Of Life Funds, And Originally Appropriated By Resolution 2000-23992.

**10:10 A.M. Public Hearing.**

(Capital Improvements Projects)

**ACTION:** Public Hearing held. **Resolution No. 2003-25118 adopted as amended.** Motion made by Commissioner Gross to approve by 5/7 vote the waiver to proceed with the bid process; get a breakdown of the accident data and hold a neighborhood meeting to get feedback from the neighborhood as to the design; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet, Chief De Lucca, and Vivian Guzman to handle.

Commissioner Gross stated that the data the Administration has presented shows a substantial increase in the amount of accidents on La Gorce and Pine Tree since the medians were installed. The medians were installed to reduce the speed of traffic and reduce the number of accidents. The theory is when the landscaping is installed it will act as traffic calming. He asked if it would make more sense to remove the islands and call it a mistake and look at it again.

Vice-Mayor Cruz stated that he agrees with Commissioner Gross. The islands have added nothing to the aesthetics of the drive. The islands were not what the people wanted.

Bruce Reich, representing the neighborhood association, requested to finish the islands as expeditiously as possible. The islands are not complete the way they are.

Commissioner Smith wonders what the causes of the accidents are. He has another matter on today's agenda to discuss aggressive driving.

Commissioner Bower stated that she thinks the islands are useless. She asked Mr. Reich if the islands are needed or not to the residents?

Bruce Reich, representing the neighborhood association, stated there has not been a vote taken; however, there is a board meeting this month and the issue can be raised as follows: 1) finish the plan as was designed; 2) remove the islands; and 3) make circles instead of what is there.

Commissioner Steinberg stated that the island added just over the bridge on 51 Street is a real problem. He also stated that within 24 hours reflectors have been installed. The reflectors will have a positive impact. He suggested that this be approved, but before a contract is issued the question comes back to the Commission on whether the project should move forward. This will give the neighborhood association time to discuss and will give the Commission the time to review the data.

Amendment:

Commissioner Gross stated that he wants to work with the residents and he would like to get a breakdown on the accident data to educate the neighbors. The bid process should continue and after the data comes back an educated decision can be made on the contract.

Mayor Dermer stated that the one thing Bruce can take back to the neighborhood is that the City Commission is doing everything it can do to ensure the safety of the road.

Jorge Gonzalez, City Manager, stated that the last time this issue was discussed, Commissioner Steinberg suggested installing reflectors. The Administration asked the County to install the reflectors. The County didn't do it so the Public Works Department installed the reflectors.

Vice-Mayor Cruz stated that the County is using black tar to patch the sidewalks. **Robert Middaugh to handle.**

Commissioner Gross stated that there are discretionary funds that the County has. Miami-Dade County Commission Sally Heyman should be contacted to encourage Miami-Dade County to repair the sidewalks property. Commissioner Smith and Jorge Gonzalez will speak with Commissioner Heyman.

**10:09:23 p.m.**

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R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Current Professional Services Agreement Between The City And The Firm Of McHarry And Associates, Inc., Dated July 12, 2000, In The Amount Of \$64,791, For The Provision Of Additional Architectural, Engineering And Landscape Architectural Services To Complete The Design, Construction Documentation, Construction Administration, And To Develop Specifications For The Proposed Improvements To Fire Station No. 4; And Appropriating \$25,711 From The Undesignated Fund Balance, To Be Reimbursed By Other Project Funds Which Will Be Appropriated At Time Of Construction Contract Award.

(Capital Improvements Projects)

**ACTION: Resolution No. 2003-25119 adopted as amended at the suggestion of City Manager.** (Jorge Gonzalez, City Manager, requested the Commission approve as recommended, and the Administration, via an LTC, will inform the Commission how it breaks out.) Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-2; Opposed: Commissioners Gross and Steinberg. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Motion made by Commissioner Steinberg; seconded by Commissioner Bower. Discussion continued.

Commissioner Gross asked what is being done with the historic building.

Tim Hemstreet, CIP Director, stated that the 1960's addition is being demolished, and then the existing building will be picked up and moved to new foundation that will be southwest of the site. It will be made structurally sound to meet current hurricane code. No utilities will be added and the interior will not be renovated.

Commissioner Gross said this is absurd and will vote no.

Commissioner Steinberg withdrew his motion.

Motion made by Commissioner Bower to approve; seconded by Commissioner Garcia as much as he hates to do it, the fire station needs to get built.

Jorge Gonzalez, City Manager, stated if you do not vote for this, what the Commission is telling the Administration is let's reconsider the relocation of the fire station and instead demolish it.

Commissioner Smith stated that if there isn't enough money to complete the historic fire station building and there is no use for the building then this is probably an issue.

Commissioner Bower stated that the issue should be deferred so that the preservationist can give input. She stated that this isn't fair. A lot of hard work went into moving this issue forward.

Motion made by Commissioner Smith to defer this item. No second offered.

Jorge Gonzalez, City Manager, requested that this item be approve to allow the Administration to continue with the design which has other elements beyond the relocating of the building. The old fire station issues will be placed on hold. The moving of the old fire station can be placed on the February 26 agenda. We can't stop as the design process it 75% completed. He requested the Commission approve as recommended and the Administration, via an LTC, will inform the Commission how it breaks out.

**8:42:29 p.m.**

Prepared by the City Clerk's Office

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- R7C A Resolution Declaring Its Intent To Spend \$1,611,555 From The Proceeds Of The Transportation Tax (Also Known As The Miami-Dade County Half Penny Sales Tax) For The Washington Avenue Streetscape Project, Phases 2, 4 And 5; And Appropriating \$1,611,555 From The General Fund To Be Reimbursed By The Proceeds Of The Transportation Tax (Also Known As The Miami-Dade County Half Penny Sales Tax) For The Washington Avenue Streetscape Project, Phase 2, 4 And 5.  
(Capital Improvements Projects)

**ACTION: Resolution No. 2003-25123 adopted and a referral was made to the Finance and Citywide Projects Committee.** Motion made by Commissioner Smith; seconded by Commissioner Bower declaring an intent to spend the \$1,611.555; Voice vote: 6 -1; Opposed: Commissioner Steinberg. Tim Hemstreet to handle.

Commissioner Steinberg stated that he would prefer the Administration find a funding source instead of using the Half Penny Sales Tax or some other source.

**Vice-Mayor Cruz referred the item to the Finance and Citywide Projects Committee for an update of all the large capital projects, and for those projects that are being fixed but will require an operating budget such as the Byron Carlyle Theater, the Colony Theater and the others, what will be the operating budget impact. Patricia Walker to place on the agenda. Tim Hemstreet to handle.**

Commissioner Steinberg asked if the Administration knows of any other source of revenue funding source opposed to using the entire first year allotment of the Half Penny Sales Tax.

Jorge Gonzalez, City Manager, stated the only two he could think of off hand are the undesignated fund balance and the Capital Fund Reserve. May be there is a way to tap into the Parking Fund.

Commissioner Gross commended the City Manager for coming up with this solution to this project.

8:59:00 p.m.

Supplemental Materials: R7D - Resolution

R7D A Resolution Adopting, Respectively, The Recommendations Of The Administration And The Finance And Citywide Projects Committee, At Its Regular Meeting On January 29, 2003, And Authorizing The Administration To Terminate For Convenience, The Agreement For Preconstruction Services Between The City And Jasco Construction Company For Construction Management And Risk Services Pursuant To Request For Qualifications (RFQ) No. 117-99/00, Dated April 18, 2001, And As Amended; Said Termination For Convenience Pursuant To Section 6.2 Therein; Further Authorizing The Administration To Issue A Bid For Construction Management Services For The Renovation And Expansion Of Fire Station No. 2, And Construction Of Two Water Tanks And A Water Pump Station.

(Capital Improvements Projects)

**(Resolution)**

~~R7D A Resolution Rejecting The Proposed Guaranteed Maximum Price In The Amount Of \$4,840,933, Submitted Pursuant To The Agreement For Pre-Construction Services Between The City Of Miami Beach, Florida, And Jasco Construction Company, Inc., For Construction Management At Risk Services Pursuant To RFQ No. 117-99/00, Entitled Construction Management At Risk For The Fire Station No. 2 Renovation And Expansion, As Previously Amended To Add Water Tanks, Pump Stations, And Related Items, For The Construction Of Two Three Million Water Storage Tanks, A Water Pump Station, A Temporary Parking Lot Near The Public Works Yard And A Partial Site Drainage System; And Further Authorizing The City Manager, Or His Designee, To Terminate The Agreement For Convenience Pursuant To The Authority Granted In The Agreement.~~

~~(Capital Improvements Projects)~~

**ACTION: Resolution No. 2003-25120 adopted as amended (see motion below).** Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Voice vote: 5-2; Opposed: Commissioners Gross and Smith. Tim Hemstreet and Legal Department to handle. The contract is to be placed on the February 26 Agenda. Lilia Cardillo to place on agenda.

Jorge Gonzalez, City Manager, stated that this is an item that has been heard at a special meeting of the Finance and Citywide Projects Committee. This issue involves Fire Station # 2 and the water tanks project. There is a construction-manager-at-risk (CM-at-risk) contract with Jasco Construction Company. The Administration believes it is at a point where the recommendation is to sever the relationship and proceed with a bidding process to solicit a new construction manager or general contractor who can do the water tanks and the fire station projects.

Robert Middaugh, Assistant City Manager, stated that the water tanks and the fire station projects have been combined into a single project because of the proximity of the two projects and the interrelationship of the projects. There needs to be a coordinated work site. Jasco has not performed as expected under their contract. The Administration has developed a level of discomfort with Jasco and does not have confidence moving ahead with this contractor. History points out that those projects where there have been problems are those where a problematic relationship existed between the contractor and the Administration. There needs to be a good working relationship between the Administration and the contractor. The Administration is uncomfortable going into a relationship with Jasco. The Administration does not trust Jasco and Jasco does not trust the Administration. This is not a good way to start this very important project. Based on where we are today and given the complexity of this project, the Administration is recommending not to proceed with Jasco because of the risks. The City's best interests are not being served by proceeding with Jasco. There is a contract provision that allows for the separation without penalty to either party.

Lucia A. Dougherty Esq. (Greenberg Traurig) spoke on behalf of Jasco. She gave a history of the

relationship from Jasco's perspective. She asked the City Commission to allow the water tanks portion of the contract to go forward and to continue to do the bidding for the fire station project, and to put a liquidated damages clause and retainage clause in the contract, if necessary.

Commissioner Gross stated that the City hired Jasco to tell the City what the cost was going to be and at every step Jasco never told the City that the costs were going up. That was their job. They were hired for pre-construction services not for construction services. Jasco was engaged to let the City know the pricing at every step of the way and they didn't do what they were supposed to do.

Robert Middaugh, Assistant City Manager, stated to cry "foul" at this point in the process is unfair and unreasonable. Jasco did not provide the deliverables or the information the Administration needed to get a good design and have the design reflect whatever changes needed to be made to come within budget. The Administration is at a point where, if the Commission wanted to proceed with the fire station the City would have to pay an extra cost for redesign to do the value engineering which should have been a part of the process. He stated that there is a problematic relationship. Jasco is here with a corps of lobbyists to justify their failure before the Commission rather than speaking with the Administration directly.

Commissioner Garcia stated that if the City has a company that has a bond, a good reputation, can do the job, and can break ground in March on the water tanks project, he would go with them.

Commissioner Steinberg asked the City Manager if it wasn't for the MasTec allegations would the Administration's recommendation still be the same?

Jorge Gonzalez, City Manager, stated, "yes" because that's not the primary motivation. The primary motivation is Jasco failed in the CM process for which the City hired them. They may be absolutely correct on their budget estimates, but to bring it at the end instead of earlier in the process is where they failed. He stated that the experience has been that when you have a good contractor and a good relationship the project moves. The point is that if there is even a reasonable doubt with this contractor and there is an opportunity to fix it, then fix it.

Commissioner Steinberg asked the City Manager if he felt comfortable proceeding with Jasco.

Jorge Gonzalez, City Manager, stated, "no."

Vice-Mayor Cruz stated that he is concerned about shoving this contract down the Administrations throat. If the Administration has lost confidence in Jasco what is this Commission going to do?

Jorge Gonzalez, City Manager, stated that this Commission, the community, and the Administration want to see this fire station built. Allowing Jasco to do the water tanks they could perform marvelously, but the likelihood, given all that we know, and all that this Manager has been able to observe, in the event they don't perform well the fire station will absolutely be delayed. If this Commission is telling the Administration the priority is to build the fire station then the Administration's recommendation is the best way to see the fire station built. The most risk free approach is sever the relationship with Jasco now, put the items out to bid, select a contractor who the Administration has more confidence in, and proceed. The downside is the bidding process will add about a 4 month delay. The downside of going forward with Jasco is that if the relationship needs to be severed in the future the City will find itself in litigation which is a much longer process and much more expensive.

Lucia A. Dougherty Esq. (Greenberg Traurig), stated that on January 8, the Administration made a recommendation. The Administration has confidence that Jasco can do the water tanks. Three weeks

later the Administration changes its mind. What happened? She said she asked the City Manager and he said that Jasco lied to the Commission. She stated that there has been a miscommunication between her client and the Administration. She requested that her client meet with the City Manager. She said that her clients would not stand in front of the Commission and lie. Jasco wants to prove that it has performed and that there are miscommunications.

Vice-Mayor Cruz asked if Jasco has presented the cost and can it be done separately from the fire station?

Jorge Gonzalez, City Manager, stated that the water tanks project must be completed first. Can Jasco do the water tanks: "Yes." Have they submitted a budget that is within the funding scheme? "Yes." The discomfort is the Commission is directing the Administration to proceed with all due speed on the fire station. Given the experience with Jasco, and it should be noted that Jasco has not built anything on Miami Beach for the City, their performance is based on the CM-at-risk component, he has lost confidence in them because of what they have done so far. The City Manager stated that Jasco has no credibility with him. He is concerned that if Jasco's performance impacts the building of the fire station the City Commission will hold the Administration accountable. If the Administration is going to be held accountable, the Administration needs to have confidence in the people doing the project. The City Manager never said Jasco can't do the project. He is saying that the Administration is not comfortable with having Jasco doing it.

Motion made by Commissioner Smith to approve the Administration's recommendation; seconded by Commissioner Gross; discussion continued before the vote was taken.

Commissioner Steinberg asked if there was anything Jasco could do to make the Administration comfortable going forward or is it at a point where it won't be able to happen?

Jorge Gonzalez, City Manager, stated that if it is the will of this Commission to proceed with Jasco the recommendation would be to build into the contract certain specific requirements relative to liquidate damages, penalties for failure to proceed, penalties for failure to complete, with significant penalties. He stated that he doesn't want the project to stop because of litigation. If the project stops the fire station doesn't get started.

Lucia A. Dougherty Esq. (Greenberg Traurig), suggested a retainage of 10% until the project is completed or Jasco provide monthly reports.

Commissioner Gross stated that the architect appeared at the Finance and Citywide Projects Committee meeting and stated that he did not get the participation of the CM-at-risk that he needed to properly get a set of drawings that were within budget.

Vote taken: Voice vote: 3-4; Opposed: Mayor Dermer, Vice-Mayor Cruz, and Commissioners Bower and Garcia. [Later in the meeting after discussions continued, Mayor Dermer voted "no" on the motion to accept the City Manager's recommendation with a series of provisos (see below)].

Mayor Dermer, before his vote, stated that as chair to the GO Bond Oversight Committee he wants to make sure that the fire station is built. He asked who is the person for Jasco who will be doing the work? He asked Alfredo Brizuela, P.E., partner with Jasco, if he was going to do this job. If he votes to allow Jasco to do the project he will have Jasco in front of the GO Bond Oversight Committee every 30 days.

Alfredo Brizuela, P.E., partner with Jasco stated that they have selected the best subcontractors for the

project. He stated that they have selected Daniel Electrical Contractors, Inc. for electrical, Fred McGily, Inc. to do the mechanical, The Crom Corporation to do the water tanks, and MLC Construction Corporation to do the pump house. These are all quality subcontractors.

Mayor Dermer asked Mr. Brizuela if he even wanted this job.

Alfredo Brizuela, P.E., partner with Jasco stated that he has never avoided a challenge. This is a challenge. If it is the will of the City Commission, he will proceed and go forward with this project. In the 20-years as a consultant, as an engineer, and contractor he has never had a problem completing a project.

Mayor Dermer stated that if Jasco is committed he doesn't want to hear about any problems. He wants the tanks built and built on time.

Alfredo Brizuela, P.E., partner with Jasco stated "yes" he will do it.

Mayor Dermer voted "no" on the motion to accept the City Manager's recommendation with a series of provisos.

**MOTION:**

Motion made by Commissioner Bower to authorize the Administration to negotiate an agreement for the water tanks portion only with Jasco; Seconded by Vice-Mayor Cruz; Mayor Dermer recommended the following items be added to the contract and instructed the Legal Department to write the strictest contract possible.

1. Report every 30 days before the G.O. Bond Oversight Committee
2. In the contract the Legal Department to include every possible liquidated damages clause possible.
3. 20% retainage.
4. Ability to terminate this contract at any time, for any reason.
5. Commissioner Gross' amendment is making this subject to favorable reference checks on jobs Jasco is currently working on.
6. The contract will also contain a provision to have an assignment or assumption of the subcontractors' contracts by the City if the Administration needs to default Jasco.

Mayor Dermer stated that if Jasco doesn't accept the contract terms to then accept the Administration's recommendation.

Commissioner Gross asked for an additional amendment that makes this subject to favorable reference checks on the jobs Jasco is current working on.

Mayor Dermer accepted the amendment.

Raul Aguila, First Assistant City Attorney, asked for clarification on where this fits in with the existing contract. If the existing contract is not being terminated for convenience, the existing contract has provisions that hinge on the acceptance or rejection of the GMP.

Jorge Gonzalez, City Manager, stated that this will need to be revisited. He also requested that Jasco state now if they agree to the 20% retainage and other liquidated damages that may be developed.

Lucia A. Dougherty Esq. (Greenberg Traurig), stated that Mr. Brizuela doesn't have a problem with it but he will need to get his sub-contractors to agree.

Commissioner Gross asked about the contract and the fire station because it is all one contract.

Raul Aguila, First Assistant City Attorney, stated that the contract is divided into two parts. Part I is the delivery of the GMP; Part II is the actual CM-at-risk.

Jorge Gonzalez, City Manager, stated that he wants to clarify the discussion. The Administration is to negotiate a GMP and a contract with the provisions needed relative to the water tanks. The issue of the fire station will be dealt with separately. The contract can be terminated for convenience and will be placed on the February 26 Commission Agenda.

On the motion to authorize the Administration to negotiate an agreement for the water tank portion only with Jasco and the conditions; Voice vote: 5-2; Opposed: Commissioners Gross and Smith.

The contract to be placed on the February 26 Agenda. Lilia Cardillo to place on agenda.

Handouts or Reference Materials:

1. Spreadsheet titled Preliminary Cost Breakdown dated November 15, 2000, submitted by Lucia A. Dougherty
2. Document titled Jasco Construction Company - Fire Station No. 2 Phasing Program submitted by Lucia A. Dougherty

**4:00:36 p.m.**

R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 48-01/02, For Planning, Design And Construction Administration Services For A Citywide Wayfinding Signage System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hillier Group, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Tom Graboski Associates, Inc. / Meeker And Associates, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of The Douglas Group, Inc.

(Procurement)

(Deferred From January 8, 2003)

**ACTION: Resolution No. 2003-25121 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 7 0. Joyce Meyers to handle.

Jorge Gonzalez, City Manager, introduced the item.

Joyce Meyers from the Planning Department spoke.

Commissioner Smith stated that he asked for a full presentation because the vote was so close that he felt the Commission should make the decision on the merits of the proposal.

John Bosio with Hillier gave a PowerPoint presentation.

Tom Graboski and Dan Meeker from Meeker & Associates gave a PowerPoint presentation.

Handouts or reference Materials

1. Document titled City of Miami Beach Wayfinding Signage System, submitted by Tom Graboski Associates

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and Meeker & Associates

2. Booklet titled: "Miami Beach Wayfinding and Signage Program", presented by Hillier /EDAW / F.R. Aleman and Associates. In addition is a CD containing the PowerPoint presentation

**5:44:24 p.m.**

R7F A Resolution Selecting Modified Alternative B-2, A Single Track Bi-Directional Loop, As The Locally Preferred Alternative (LPA), With Additional Requirements, For Further Detailed Analysis During The Preliminary Engineering/Final Environmental Impact Statement (FEIS) Phase Of The Proposed Bay Link Transportation Corridor Project.

(Public Works)

**ACTION: Discussion held.**

Jorge Gonzalez, City Manager, stated that the recommendation being made by the Administration today is to hold the public meeting, allow the public to give their input, and the Commission to ask questions.

The recommendation is to have this item come back to the Commission Meeting on February 26. He suggested that a special commission meeting be set sometime before March 11. [The item is scheduled for final vote by the MPO on March 13.] He stated that right now there are two (2) meetings scheduled, one on March 12, at the Miami Beach Police Department at 6:30 p.m. and one on March 13, at the Wachovia Bank on Lincoln Road, at 6:30 p.m.

City Clerk's note: The Special Commission Meeting has been scheduled for Monday, March 10 at 3:00 p.m.

Phil Smeley, Project Manager for the consultant team on the Bay Link Project, gave a PowerPoint presentation.

Mark Wohl spoke.

Ian Kaplan, representing the Palm, Hibiscus, and Star Island Homeowners Association, spoke.

Brad Meltzer, also representing the Palm, Hibiscus, and Star Island Homeowners Association, spoke.

Greg Anderson spoke.

Mike Robinson spoke.

Benita Argos read two letters into the record. One letter was from an anonymous individual and the second letter was from Dick Yousoufian. Ms. Argos spoke.

Erika Brigham spoke.

Mark Needle spoke.

Bertha Vazquez spoke.

Minette Benson spoke.

Marilyn Kramer spoke.



Tim Jackson spoke.

Barry Fritz spoke on behalf of Art, Stone, Smith, (The Mirador property).

Barry Miller spoke.

Jorge Espinel spoke.

Jorge Gonzalez, City Manager, stated that what the City Commission should focus on is the mode. Will it be light rail or bus rapid transit? If it's light rail, what is the route. What's being asked is to take it to the next level of study detail. If the plug is pulled now, the Commission and the public will not get answers to some of the questions being asked because at this stage it has not been analyzed to that level of detail.

Vice-Mayor Cruz stated that he would like the opportunity to go visit a comparable system.

Commissioner Gross asked if it made more sense to run the extensions on the Beach or have the northeast extension run along Biscayne Boulevard to Aventura.

Phil Smeley, Project Manager for the consultant team on the Bay Link Project, stated that there was a study done running all the way up to 63 Street to tie the Convention Center in with all the hotels. In 2005 the ridership from 63 Street to Miami was projected at 35,000 riders. If it is extended to 2025 the number increases to 45,000 to 48,000 people riding the train. The ridership estimates are based on those individuals coming down from 63 Street, all the people who come to the Beach to work, and the tourists.

Wilson Fernandez, Project Manager for the MPO, stated that the northeast study is just about to commence. It will study corridor from downtown Miami all the way north to Aventura and to the Miami-Dade / Broward County line.

Bea Kalstein spoke.

Vice-Mayor Cruz stated that it is important to understand that regardless of the direction taken by the City Commission, if there is a fatal flaw, the City can get out of it.

Jorge Gonzalez, City Manager, summarized the actions and what the Administration will be doing:

1. Schedule a Special Commission meeting on or before March 10
2. Explore site visits - City with single-track system preferred
3. Public meetings scheduled for February 12 and 13. Schedule homeowner associations meetings.
4. The Administration will present options B1, B2, B3, and Administration's recommendation.
5. Try to arrange a debate

## Handouts or reference materials

1. Speakers list
2. Ad - Spanish language newspaper Tiempo Nuevo
3. Ad - Spanish language newspaper Hola Amigos
4. Ad - Spanish language newspaper Art Deco Tropical
5. Report NTSB Abstract SIR -01/02 Railroad Special Investigation Report, submitted by Mr. Mark Wohl
6. Report BTSB Publications Railroad Accidents, submitted by Mr. Mark Wohl
7. Document titled "Transit Spin," submitted by Mr. Del Vecchio
8. Letter from Mr. Michael Milberg, Chairman of the Board, Miami Beach Chamber of Commerce, to Mayor Dermer, dated February 4, 2003, RE: Bay Link
9. Notice of Ad in Miami Herald
10. Letter from Mr. Al Hartkorn, to Miami Beach City Commission, c/o City Clerk, dated February 3, 2003, RE: Bay Link Light Rail Transit
11. Booklet titled "Presentation to City of Miami Beach Commission; Response to Questions" prepared by the Metropolitan Planning Organization of Miami-Dade County (MPO)
12. General and Special Election Report of the November 5, 2002 Elections submitted by Minette Benson.

**R9 - New Business and Commission Requests**

## R9A Board and Committee Appointments.

(City Clerk's Office)

Direct appointments made:**Barrier Fee Environmental Committee**

|            |              |          |                                 |
|------------|--------------|----------|---------------------------------|
| Mike Lantz | Term expires | 12/31/04 | Appointed by Commissioner Gross |
|------------|--------------|----------|---------------------------------|

**Budget Advisory Committee:**

|             |              |          |                                  |
|-------------|--------------|----------|----------------------------------|
| Mark Gidnez | Term expires | 12/31/04 | Appointed by Commissioner Garcia |
|-------------|--------------|----------|----------------------------------|

**Committee on the Homeless:**

|                 |              |          |                                  |
|-----------------|--------------|----------|----------------------------------|
| Raul Gorfinkel  | Term expires | 12/31/04 | Appointed by Commissioner Smith  |
| Patty Hernandez | Term expires | 12/31/04 | Appointed by Commissioner Garcia |
| Juan Rojas:     | Term expires | 12/31/03 | Appointed by Commissioner Gross  |

Appointed via Memo dated 8/9/2002 by Commissioner Gross.

**Community Development Advisory Committee:**

|                  |              |          |                                     |
|------------------|--------------|----------|-------------------------------------|
| Mijel Brazlavsky | Term expires | 12/31/04 | Appointed by Commissioner Smith     |
| Michael Francis  | Term expires | 12/31/03 | Appointed by Commissioner Steinberg |
| Alexander Jaimes | Term expires | 12/31/04 | Appointed by Mayor Dermer           |
| Lillian Janata   | Term expires | 12/31/04 | Appointed by Commissioner Garcia    |

**Community Relations Board:**

Beth Gopman ex-officio representative from the Status of Women 12/31/03

**Convention Center Advisory Board:**

|                  |              |          |                                     |
|------------------|--------------|----------|-------------------------------------|
| Bernice Martinez | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
|------------------|--------------|----------|-------------------------------------|

**Debarment Committee:**

|                |              |          |                                     |
|----------------|--------------|----------|-------------------------------------|
| Mathew Krieger | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
|----------------|--------------|----------|-------------------------------------|

**Fine Arts Board:**

|                  |              |          |                                     |
|------------------|--------------|----------|-------------------------------------|
| Samantha Bratter | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
| Jacqueline Roch  | Term expires | 12/31/04 | Appointed by Commissioner Cruz      |
| Gordon Saks      | Term expires | 12/31/03 | Appointed by Commissioner Cruz      |

**Golf Advisory Committee:**

|               |              |          |                                     |
|---------------|--------------|----------|-------------------------------------|
| Eugene Howard | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
|---------------|--------------|----------|-------------------------------------|

**Hispanic Affairs Committee:**

|                     |              |          |                                 |
|---------------------|--------------|----------|---------------------------------|
| Jose Heres          | Term expires | 12/31/04 | Appointed by Commissioner Gross |
| Rafael Suarez-Rivas | Term expires | 12/31/04 | Appointed by Mayor Dermer       |

**Loan Review:**

|               |              |          |                                 |
|---------------|--------------|----------|---------------------------------|
| Hope Fuller   | Term expires | 12/31/04 | Appointed by Commissioner Gross |
| James Gleason | Term expires | 12/31/03 | Appointed by Mayor Dermer       |

Appointed via e-mail dated 8/9/2002.

**Marine Authority:**

|               |              |          |                                     |
|---------------|--------------|----------|-------------------------------------|
| Bunny Patchen | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
|---------------|--------------|----------|-------------------------------------|

**Miami Beach Commission on Status of Women:**

|               |              |          |                            |
|---------------|--------------|----------|----------------------------|
| Meryl Wolfson | Term expires | 12/31/04 | Appointed by Mayor Dermer. |
|---------------|--------------|----------|----------------------------|

**Police Citizens Relations Board:**

|                |              |          |                                     |
|----------------|--------------|----------|-------------------------------------|
| Luis Norda     | Term expires | 12/31/04 | Appointed by Commissioner Garcia    |
| Mickey Ross    | Term expires | 12/31/04 | Appointed by Commissioner Smith     |
| Kathy Wolfarth | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |

**Production Industry Council:**

|                 |              |          |                                     |
|-----------------|--------------|----------|-------------------------------------|
| Pamela Gardiner | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |
|-----------------|--------------|----------|-------------------------------------|

**Safety Committee:**

|              |              |          |                           |
|--------------|--------------|----------|---------------------------|
| Sixto Sierra | Term expires | 12/31/04 | Appointed by Mayor Dermer |
|--------------|--------------|----------|---------------------------|

**Transportation and Parking Committee:**

|                |              |          |  |
|----------------|--------------|----------|--|
| Linda Polansky | Term expires | 12/31/04 |  |
|----------------|--------------|----------|--|

Representative from the Washington Avenue Task Force

**Youth Center Advisory Board:**

|                     |              |          |                                     |
|---------------------|--------------|----------|-------------------------------------|
| Lisa Austin         | Term expires | 12/31/04 | Appointed by Mayor Dermer           |
| Ellen Haas-Paterson | Term expires | 12/31/04 | Appointed by Commissioner Steinberg |

**2:34:44 p.m.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

**ACTION:**

**Milton Montalvo:** He spoke about Paul Novack, a guy that runs a tiny City and the secret why his City runs well is because he has rules and regulations and he makes sure they abide by them. He hopes for the day that Paul Novack can emulate the City of Miami Beach, when he comes here and says he likes the way this City does things. He complemented the good exhibit at the Art Center. He stated that he never hears anything about the Tuesday Morning Breakfast Club and this is one of the civic organizations that keeps current with everything that going on. He stated that he is not happy about the City Manager receiving a \$25,000 pay raise on top of his \$200,000 salary. He stated that he would love to have a Bentley, that is his favorite kind of car, but he stated he has a Honda. Maybe we doesn't need a Bentley to be City Manager. He asked the Commission who paid for the trip to Tallahassee to the inauguration of the governor. He also spoke about safety on the Bay Link because citizens are concern with bad elements coming over.

Jorge Gonzalez, City Manager, stated that he does not drive a Bentley and the salary figure quoted by Mr. Montalvo is erroneous.

**Gil Zriny:** He stated that he made a promise to one of his neighbors that he would talk about noise, his neighbor calls up the number on noise and it is always busy. He suggested that there should be more than one line. He talked about getting consensus on public issues; however the City has done a lot of things without public consensus. He stated that what the public needs from this Commission is consensus among them. He would like the members of the Commission to become "NIMBS/not in my neighborhood" and your neighborhood is the whole city. He stated that he would like each one on of the Commission, when placing something on a street or in front of a business, to think of it as your street or your business and would you want it in your neighborhood, and you will always come up with the right decision.

**Elizabeth Donnelly:** She stated that something troubles her a great deal in regards to the issue of the light rail link to Miami. She stated that it appears to her that the City Manager of Miami Beach is only listening to the officials of Miami and Dade County and not to the citizens of Miami Beach who are paying his salary. She stated that the citizens want to use their cars. She also spoke on the construction that has been permitted on the beach and Miami Beach now looks like Hallandale or worst. The proposed rail system will cause more congestion than we now have. The citizens do not need this rail system and do not want it. She stated that it is unfortunate that the availability of federal funds is wetting the appetite of some politicians. She wants to fix what we have and not create a new problem otherwise the dream that was Miami Beach in previous decades will turn into a nightmare of concrete and congestion.

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

**ACTION: Item not reached.**

**8:55:57 p.m.**

R9C Discussion Regarding A Resolution Creating The City Of Miami Beach Ad Hoc Charter Review And Revision Board; Prescribing Its Duties, And Providing For The Manners Of Its Appointment, And The Terms Of Office Of Its Members.

Prepared by the City Clerk's Office Page No. 36  
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(Requested By Mayor David Dermer)

**ACTION: Resolution No. 2003-25124 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote:7-0. R. Parcher and Legal Department to handle.

Mayor Dermer appointed Mr. Steve Zack, via Commission Agenda Item.

Commissioner Gross appointed Mr. Mark Hildebrandt via email to City Clerk.

Commissioner Bower appointed Mr. Victor Diaz.

Vice-Mayor Cruz appointed Mr. Ricky Ariola.

Commissioner Smith appointed Mr. Abe Laeser pending Commissioner Smith confirming with appointee.

Commissioner Steinberg appointed Larry Herrup.

**5:40:08 p.m.**

R9D Discussion Regarding Miami-Dade County's "Ethical Campaign Practices Ordinance."  
(Requested By Mayor David Dermer)

**ACTION:** Ethical Campaign Practices Ordinance to be given to the candidates and encourage them to participate. R. Parcher to handle.

**5:33:32 p.m.**

R9E Discussion Regarding Code Of Ethics From The American League Of Lobbyists.  
(Requested By Commissioner Jose Smith)

**ACTION: Discussion held. Item referred.** Motion made by Commissioner Smith to refer this item to the Community Affairs Committee; seconded by Commissioner Gross; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the agenda.

Commissioner Smith stated basically this would establish a code of ethics to govern the profession of lobbyist. The Academy of Lobbyists has a nine article code which deals with competency, professionalism, conflict of interest, honesty and integrity, compliance with laws and several other items. The one article that is missing from the code is an article dealing with advertising and communications with the media. He asked Robert Meyers to comment and would like to refer the item to the Community Affairs Committee.

Robert Meyers, Executive Director, Miami-Dade County Commission on Ethics and Public Trust, stated that the County has not considered a code of conduct for lobbyists. The County did adopt a code of business ethics that applies to businesses who want to do business with the County. He stated that he supports a code of ethics for lobbyists.

Commissioner Smith asked if the City were to adopt an ordinance requiring all lobbyists in the City of Miami Beach to ascribe to a lobbyist code of ethics, could the City require it?

Deputy City Attorney Jean Olin stated that the Legal Department needs to research the issue. One of

the issues is mandatory versus voluntary participation.

Robert Meyers explained how the code of business ethics is enforced in the County.

Commissioner Smith asked for a referral and invited the organization that put out the code of ethics, and anyone who has an interest in this issue.

**5:27:09 p.m.**

R9F Discussion Regarding Initiating A Blue Ribbon Committee To Discuss Campaign Reform In A Holistic Manner.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held.**

Commissioner Garcia stated that he wants to hear from the people on campaign reform to review the legislation passed but also campaign financing.

Commissioner Steinberg stated that it would be better to empower a panel after the election to review if this legislation works.

**Commissioner Garcia requested the Legal Department to prepare a resolution for the next Commission meeting to create a Blue Ribbon Committee to review the ethics legislation and how it worked in the November 2003 Election.**

Commissioner Garcia nominates Robert Meyers for this Blue Ribbon Committee.

R9G Discussion Regarding Televising The Special Master Cases On Public Access Channel 20.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Item not reached.** Lilia Cardillo to place on February 26 Agenda after checking with Commissioner Garcia.

R9H Discussion And Presentation Of An Action Plan Addressing The Traffic Enforcement Issue.

(Requested By Commissioner Jose Smith)

**ACTION: Item not reached.** Lilia Cardillo to place on February 26 Agenda after checking with Commissioner Smith.

**2:46:29 p.m.**

R9I Presentation/Discussion Regarding The Date Of The November 2003 Runoff Election, Assuming A Runoff Election Is Required.

(City Clerk's Office)

**ACTION: Discussion held.**

Motion made by Commissioner Bower that if a Runoff Election is required, to change the scheduled Commission Meeting date of Friday, November 14, 2003 to Wednesday, November 19, 2003 for the purpose of swearing in the newly elected Mayor and Commissioners; seconded by Commissioner Steinberg; Voice vote: 7-0. R. Parcher to handle.

Jorge Gonzalez, City Manager, gave an overview of why this change is needed.

David Leahy, Miami-Dade County Supervisor, stated that the main issue is the absentee ballots. The Elections Department is mandated by the State Legislature to use optical scan ballots for absentee ballots and provisional ballots. It takes between 5 and 7 days from the time the runoff candidates are known to the time the optical scan ballot is ready. Under the old system the Elections Department could deal with the one week runoff because the ballot cards could be ordered ahead of time and booklets were copied the night of the General Election and could mail the absentee ballots either the day following the election (Wednesday) or the next day (Thursday). With the new system there will be no time to issue the absent ballots.

Commissioner Bower stated that a previous City Commission changed the runoff from two weeks to one week because they felt it was better. She would prefer the one-week runoff, but if it can't be done, it can't be done.

Commissioner Steinberg stated that he is in favor of a two-week runoff because the number of people voting absentee increased when the State Legislature changed the law to allow anyone to vote absentee and additionally, some people do not want to vote with the new computers. The City Commission should permanently change the date of the Runoff election to two weeks and limit the date for campaign fund raising if it chooses.

Commissioner Steinberg stated that he was going to ask that language be added to the ballot making the runoff two weeks rather than the one-week.

Mayor Dermer stated that this issue could be referred to the Charter Review.

David Leahy stated that he did receive a legal opinion from the Division of Elections on whether a municipality can use "hand count paper ballots" for absentee ballot voting. The Division of Elections opinion came back as a yes, if the City passes an ordinance to use "hand count paper ballots." He stated that he is not recommending this because of the number of absentee ballots the City is likely to have.

**Handouts or Informational Materials**

1. Letter from Edward C. Kast, Director, Divisions of Elections, to David C. Leahy, dated January 23, 2003, RE: DE 03-01 Conduct of Municipal Elections - Paper Ballots

- R9J Discussion Regarding Rededication Of Miami Beach Coast Guard Plaque.  
(Requested By Mayor David Dermer)

**ACTION: Item not reached.** Lilia Cardillo to place on February 26 Agenda after checking with Mayor Dermer.

**12:13:46 p.m.**

- R9K Discussion Regarding The Continuation Of The Miami Gay And Lesbian Film Festival On South Beach.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION: Discussion held. Item referred.** Motion made by Commissioner Steinberg to endorse having the City Manager contact the Regal Theater and let them know that the City Commission supports allowing the Miami Gay and Lesbian Film Festival to stay at the Regal for the second week of the festival and to refer to the Community Affairs Committee; seconded by Commissioner Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the committee agenda.

Commissioner Bower stated that Phillip Matthew, Executive Director of the Miami Gay and Lesbian Film Festival met with her. She wasn't sure how to help them.

Phillip Matthew gave an overview of the work and activities the group is doing. The closing of The Colony has created a problem.

Vice-Mayor Cruz requested a referral to the Community Affairs Committee to explore the options. The discussions should include film festivals in general.

Commissioner Gross requested that the Community Affairs Committee meet in time to have the item placed on the February 26 Agenda.

**8:58:38 p.m.**

- R9L Discussion Regarding A Resolution Supporting And Encouraging The State Legislature And The Governor To Support The "Dignity For All Students Act," A Bill Sponsored By Senator Margolis And Representative Gottlieb, Which Legislation Would Protect Florida's Students From Discrimination And Harassment.

(Requested By Mayor David Dermer)

**ACTION: Discussion held. Resolution No. 2003-25125 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7 0. R. Parcher to transmit the Resolution to Senator Margolis and Representative Gottlieb.



**2:58:14 p.m.**

R9M Discussion Regarding Greater Miami Convention And Visitors Bureau (GMCVB) Status Report On Office Space.

(City Manager's Office)

**ACTION: Discussion held.**

Jorge Gonzalez, City Manager, introduced Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau who is here to make a presentation. During the renewal of the contract with the Bureau one of the questions posed was, would the Bureau consider relocating their offices to Miami Beach? Last Friday, January 31, Bill Talbert and his staff presented a recommendation regarding office space to the Executive Committee of the Bureau. No vote was taken on the recommendation. The City Manager requested Mr. Talbert give this Commission a status update relative to the evaluation of office space and his recommendation.

Bill Talbert stated that some six years ago the Bureau entered into an initial agreement with the City of Miami on the Watson Island project. An architect was hired. The architectural drawings are about 60% complete. When addressing the City of Miami Beach Commission, he has stated that the Bureau is on a dual track in finalizing a deal with the City of Miami and doing due diligence on the City of Miami Beach for office space. He stated that of the six properties inspected in Miami Beach the Lincoln Building, 17th Street and Michigan, was selected. He worked with Michael Comras and Scott Robbins the owners of the Lincoln Building and has had three (3) offers from them; the latest being \$22 a square foot. At last Friday's meeting he gave a recommendation to his board, given the advance stage of the Watson Island project, and that the City of Miami is very eager to have the Bureau located on Watson Island, and their offer to the Bureau, which is a 30-year deal, with two (2) ten year options. At the meeting on Friday, Mr. Stuart Blumberg, the chair of the Mayor's Blue Ribbon Tourism Task Force, asked about the Bureau having a satellite office on Miami Beach and specifically at the 10th Street Auditorium. It would be a full service satellite office with a visitors center, convention sales, tourism sales and from time to time Mr. Talbert would be in the Miami Beach office. The concept is that the Bureau would have an operation on Watson Island and take over the management of the 10th Street Auditorium. At the meeting, it was strongly voiced by the Bureau's Executive Committee that in order to make the 10th Street Auditorium satellite office work there would need to be a long-term contract between the City of Miami Beach and the Bureau.

Vice-Mayor Cruz stated that he is very disappointed. He was hoping that the Bureau would seriously consider not only asking for the 10<sup>th</sup> street Auditorium but also a long term contract to go with the 10<sup>th</sup> Street Auditorium. He stated that this is troubling to him. He stated that he has been a strong supporter of the Bureau and believes that they do a good job at promoting the area, but he is troubled with the evolution of this entire process because Watson Island itself has changed. He stated that it started out as a Visitor Center but at the rate it is developing realistically the Bureau is disappearing within the landscape. He also stated that if the City of Miami Beach was going to do something for the Bureau, that the City would be more of a consideration since this City is the engine that motors the visitors to come. He is really disappointed that the City is falling short and only getting a conciliatory prize.

Commissioner Gross stated that there is no consolation prize with this offer, what the Bureau is saying is that they will go with the 10<sup>th</sup> Auditorium if the City gives them a 10 year contract. He stated that he agrees with Vice-Mayor Cruz and it is actually worse than what Vice-Mayor Cruz is portraying.

Commissioner Bower stated that the 10th Street Auditorium is presently leased and occupied by the

Miami Design Preservation League. How can the Bureau recommend taking over the building without even consulting with them? What is MDPL going to think?

Mr. Talbert stated that the City of Miami wants the Bureau. The Bureau has not heard that the City of Miami Beach wants the Bureau. All the Bureau has heard is, if the Bureau were located in Miami Beach, the City would look into a long-term agreement. My Executive Committee will not entertain a Beach presence, be it Lincoln Road or anywhere, without a commitment from Miami Beach saying "we want you here."

Jorge Gonzalez, City Manager, stated that in fairness to the City Commission, they have said that they want the Bureau in Miami Beach.

Mr. Talbert stated for the record "No one has told us [the Bureau] you want us here. You have not directed your manager to sit down with me to come up with a long-term agreement."

Mayor Dermer stated that during the contract renewal he vigorously pursued the issue of moving the Bureau to Miami Beach. He stated that he believes the rest of the Commission was in agreement. He stated that if Miami Beach is going to be giving the Bureau \$5 million dollars of public money to the Bureau, this Commission would love to have the Bureau located in Miami Beach. The ball was in the Bureau's court. The Bureau made a conscious decision to work with the City of Miami. He stated that it is "off base" to say that the City of Miami Beach didn't make an effort to move the Bureau to Miami Beach. That will be a factor that will be taken into account in the future negotiations on the contract.

Mr. Talbert stated that he would like the City Commission to direct the City Manager to sit down and structure a 10-year deal with 2, 5-year renewals. He stated that he believes his Executive Committee will entertain that.

Commissioner Bower stated that this Commission asked the Bureau to look for suitable space in Miami Beach and report back to the Commission. The Bureau's update today should have been that the Bureau has found office space, the Bureau is going to save money, and now we are ready to sit down and negotiate a renewal, not tell this Commission what the Bureau has decided.

Orlando Velasquez, a member of the Executive Committee of the Bureau, stated what Mr. Talbert just said has been totally misinterpreted. Speaking as his vote on the Executive Committee of the Bureau, the Executive Committee cannot be prepared to endorse any type of recommendation without having a solid deal, in writing.

Mayor Dermer stated that the City has hired a consultant to determine what is in the best interest of the City of Miami Beach. The City has not received their report so any long-term arrangement at this point is premature.

Commissioner Steinberg asked if the current plan with the City of Miami is the Bureau at risk as far as building overruns and unforeseen site conditions, etc.

Mr. Talbert stated that the Bureau has caps on mitigation; there is a contractor-at-risk so there is a maximum construction cost with a 5% contingency, and there are caps on operating costs. The Bureau is acting as the construction managers. The Bureau has done everything to minimize the risks.

Jorge Gonzalez, City Manager, stated the Bureau is building the building, and while there are caps, there are risks.

Commissioner Steinberg asked if a long-term contract was negotiated for space in the Lincoln Building would the risks be minimized? He added that the Bureau stated that one of the reasons the City of Miami was more appealing is because the risk is more limited because of the long-term contract with renewals. But now there are risks. There are construction risks which you would not have in the Lincoln Building. The Bureau would be able to move into the building sooner. Moving to Miami Beach eliminates the time risk.

Mr. Talbert stated that the Watson Island site is a world-class visitors center, with a press center and an observation deck. It has more services for the Bureau's customers. You cannot compare the Watson Island facility that is on the waterfront to an office building even though it is on Lincoln Road. The key factor in making a final decision is the long-term agreement.

Commissioner Gross stated that if the Bureau preferred the Watson Island they should have just stated that. The Bureau and the City of Miami Beach are partners and he feels that the Bureau was not honest with the City.

Commissioner Cruz stated that he feels used. The right place for the Bureau to be located is in Miami Beach. The Bureau should have looked at the City realistically. He stated that he is disappointed.

Mr. Talbert stated that the Commission needs to direct the City Manager to come up with a long-term agreement with the Bureau. This has not been done.

Commissioners Garcia and Smith stated that they are also upset with the Bureau and feel misled.

Jorge Gonzalez, City Manager, stated that he equally feels some of the sentiments expressed by the Commission and he has been closer involved. He stated that although Mr. Talbert has stated today on several occasions that he has never heard the Commission say they want the Bureau, he has heard the City say it wants the Bureau on several different occasions. What the Bureau hasn't heard is the City will give the Bureau a 10-year deal. He asked the Bureau, if the City were to give the Bureau a 10-year deal today, would the Bureau commit to moving to Miami Beach? What he has heard is well that's very attractive we'll have to consider it, we'll have to explore it, we'll have to review it against the deal with the City of Miami and Watson Island, but he has never heard the Bureau say, if the City gives the Bureau a 10-year deal, the Bureau is here tomorrow.

Mr. Talbert stated that the Executive Committee would like to see an airtight offer from the City of Miami Beach for a long-term contract that will coincide with the Lincoln Building deal, 10-years, with two (2), 5-year renewals. Is the City of Miami Beach interested in a long term, no cut contract?

Orlando Velasquez, a member of the Executive Committee of the Bureau, stated that the problem the Executive Committee has is coming back every two years with the hassles of negotiating a contract. The Executive Committee needs to be responsible from a business standpoint. The timing of this is terrible.

Vice-Mayor Cruz stated the Lincoln Building has been brought up a number of times and wanted to make it absolutely clear that he is not in any way supporting or endorsing any specific building.

Jorge Gonzalez, City Manager, again asked the Bureau, if the City were to give the Bureau a 10-year deal today would the Bureau commit to moving to Miami Beach?

Mr. Talbert responded again that if the City comes up with a long-term funding agreement that is

acceptable to both the City and the Bureau, coinciding with the terms with the Lincoln Building deal, 10-years, with two (2), 5-year renewals, then the Bureau would look at moving to the City very, very closely.

Commissioner Garcia stated that it's very simple, if the City gives the Bureau 10 years than the Bureau needs to move into Miami Beach.

Mayor Dermer stated that the City has a consultant and his team is here to analyze what is in the best interest of the City of Miami Beach and report back to the City Commission.

Commissioner Garcia asked when the Commission can expect the consultant's report.

Jorge Gonzalez, City Manager, stated the consultant is working on a 4 to 5 month timeframe. The report will be ready sometime in July. This has been calendared and followed exactly the way it was planned.

Orlando Velasquez, a member of the Executive Committee of the Bureau, repeated on several occasions that the timing is very bad and the Bureau's back is against the wall.

Mr. Talbert stated that the Bureau has a partner that is ready to go on Watson Island. They have committed money and the architect is well along in the design. From what he believes the Bureau's Executive Committee wants is that there needs to be some direction from the Commission to the City Manager to structure a long term deal.

Orlando Velasquez, a member of the Executive Committee of the Bureau, stated that from this record he doesn't want to hear that this Commission was misled. That didn't happen. We agree it was just a timing issue. There was no being misled. We're all good partners.

Jorge Gonzalez, City Manager, introduced Mr. Steven Spickard, ERA Senior Vice-President, and stated that his team started work on Monday, February 3. The RFQ was approved by the City Commission when the extension of the Bureau's contract was approved, as was the request to the Bureau to relocate to the City of Miami Beach. ERA was selected and the timeline has been followed. The purpose of the timeline, and the 4 or 5 months needed to do the study, was chosen specifically because the report will give an answer to a very important question and allow enough time to make changes if necessary. If a different structure is needed, the timeline gives the Administration the opportunity to implement the new structure.

Mr. Steven Spickard spoke.

Vice-Mayor Cruz requested that when the report comes back to address where, physically, most conventions bureaus put their offices. Is it on waterfront with class A office space and state-of-the-art equipment or are they in a basement somewhere?

Mr. Steven Spickard stated that he could look into the space issue.

Bea Kalstein spoke.

R9N Discussion And Referral To The Planning And Zoning Board Regarding A Small Section In Miami Beach That Seems To Be Out Of Scale With The Rest Of The City.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Item not reached.** Lilia Cardillo to place on February 26 Agenda after checking with Commissioner Garcia.

**R10 - City Attorney Reports**

**R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 5, 2003, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO

East Coastline Development, Ltd., A Florida Limited Partnership. And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

**ACTION:** Announced and held.

**Reports and Informational Items**

**A City Attorney's Status Report.**

(City Attorney's Office)

**ACTION: Written report submitted.**

**B Parking Status Report.**

(Parking Department)

**ACTION: Written report submitted.**

**C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.**

Prepared by the City Clerk's Office Page No. 45  
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(Capital Improvement Projects)

**ACTION: Written report submitted.**

- D Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 4.

(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

**ACTION: Written report submitted.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
February 5, 2003**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.      Absent.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1.      ROLL CALL

2.      OLD BUSINESS

- A      Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of December 2002.

**ACTION: Written report submitted.**

Jorge Gonzalez, City Manager, gave the report.

**12:51:58 p.m.**

3.      NEW BUSINESS

- A      Miami-Dade County Commission Action Regarding Certain Amendments To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan.

**ACTION: Written report submitted.**

Jorge Gonzalez, City Manager, stated that this item is a report to inform the RDA members of where the RDA is with the County regarding the amendment to the City Center Master Plan that included a request for community policing. Miami-Dade County Commissioner Bruno Barreiro met with the RDA two meetings ago to express his desire to modify the City's request in two manners: 1) that the funding for the community policing be exclusively for enhancements and 2) that the RDA include two (2) members of the Miami-Dade County Commission as voting members of the RDA. Failing to reach a compromise relative to the membership request, the Administration asked the Commissioner, and he agreed, to separate the item. The Master Plan Amendment also known as the Zyscovich Master Plan for 17 Street and the parking lots have been endorsed and adopted by this Commission and the County Commission. What is still

pending is the City's request for community policing. As we stand today, the money that would have been used for community policing remains in the RDA and can be used for other appropriate RDA expenditures. He also stated that Commissioner Barreiro, at the County Commission Meeting, indicated his willingness to be flexible and seek a compromise.

Mayor Dermer stated that the position of the RDA remains the same regarding RDA membership.

Commissioner Smith stated that a Miami-Dade County member should not have voting power in our RDA Board but could participate as ex-officio member.

Commissioner Steinberg stated that while the County doesn't have a vote on the RDA they have veto power. It doesn't make much sense to give the County two seats on the RDA.

Handouts or Reference Materials

1. Document titled Existing City Parks - South Shore Revitalization Strategy - Marian and Marian upland North and South

Meeting adjourned at 10:23:48 p.m.

**End of RDA Agenda**